(26)

05/11/07

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P. (S) No. 6364 of 2007**

**PETITIONERS**

1. Rambilas Dhurve aged 38 years Son of Bedram Dhurve, Assistant Teacher, Govt. Primary School, Bharkatola Block & Distt. Rajnandgaon
2. Human Kumar Paikara aged 38 years son of Kalyanji Paikara, Assistant Teacher, Primary School, Palandur Block Dongargarh, District Rajnandgaon (C.G.)
3. Lalchand Kosare aged 38 years Son of Chherku Kosare, Assistant Teacher, Govt. Primary School, Khamhardeeh Block Khairagarh, District Rajnandgaon

***Versus***

**RESPONDENTS**

1. The State Government of Chhattishgarh, Through the Secretary, School Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The District Education Officer, Rajnandgaon (C.G.)

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA**

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**Appearance:**

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

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**ORAL ORDER**
**(31.10.2007)**

**SUNIL KUMAR SINHA, J**

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal***

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***Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.Ed. Examination Certificate on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

vatti